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May 12, 2011

VIA ELECTRONIC FILING

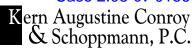
Hon. Madeline Cox Arleo, U.S.M.J. **United States District Court** District of New Jersey Martin Luther King Jr. Federal Building & U.S. Courthouse 50 Walnut Street Newark, NJ 07102

> Re: Dr. Fadi Chaaban, et al. v. Mario A. Criscito, M.D. Case No. 2:08-cv-1567 (GEB-MCA)

Dear Magistrate Judge Cox-Arleo:

I am writing in regard to Mr. Agnello's letter to you dated May 11, 2011. The proceedings before the District Court in this action, with the exception of the plaintiffs' application for an award of attorneys' fees and costs, have terminated. Accordingly, this firm has no obligation to represent Dr. Criscito with respect to any post-judgment collection efforts. We have been retained to represent him in connection with his appeal to the United States District Court for the Third Circuit, and we will be representing him in connection with the fee application, as that is an extension of the underlying District Court action.

It is our understanding that Dr. Criscito is in the process of retaining Bonnie M. Weir, Esq. of The Weir Law Firm, LLC, 172 Washington Valley Road, Suite 3, Warren, NJ 07059-7133, to represent him in connection with the post-judgment collection matters. Once Ms. Weir has been retained, she will be in contact with Mr. Agnello regarding the post-judgment collection issues. It is also our understanding that Dr.



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Criscito is in the process of obtaining a supersedeas bond in an amount necessary to cover the judgment, any potential award of attorneys' fees and costs and any post-judgment interest which might accrue over the course of the appeal. In light of Mr. Agnello's letter, I am sure plaintiffs' counsel will be willing to approve this bond when it is issued. If the plaintiffs' counsel does not consent to the posting of the bond, then a motion can be made in the ordinary course.

In light of these developments, it would appear that the concerns raised in Mr. Agnello's letter are now moot, and that it would be unnecessary to conduct a case management conference on this issue.

I thank you for your attention to this matter.

Respectfully submitted,

KERN AUGUSTINE CONROY & SCHOPPMANN, P.C.

By: / s/ R. Bruce Crelin
R. Bruce Crelin

cc: John M. Agnello, Esq. (via electronic filing)
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